



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138-9031
(614) 385-8501

Richard F. Celeste
Governor

June 19, 1989

RE: **JEFFERSON COUNTY
SATRALLOY/SATRA CONCENTRATES
RCRA CORRESPONDENCE FILE
NON-NOTIFIER**

Satralloy/Satra Concentrates
P. O. Box 536
Steubenville, Ohio 43952

EPA Region 5 Records Ctr.



383935

Attention: Mr. Lou DiPaolo

Dear Sir:

On May 31, 1989, Ohio EPA conducted an inspection of your facility to determine compliance with hazardous waste rules. By way of background, you indicated Satralloy operated the ferroalloys plant until 1982, when the plant closed. Wastes produced while the plant was in operation included high carbon and low carbon slags, and K090 and K091 baghouse dusts. The slags were disposed on top of the hill above the plant for years. When the baghouses were installed in 1979, the dusts were taken up the hill and piled on top of the slag. Satralloy applied for interim status with USEPA in November, 1980, for landfilling of the K090 and K091 by filing a Part A hazardous waste permit application. It is my understanding from my June 8, 1989, visit to your facility that K090 (ferrochromium-silicon baghouse dust) was not generated. Please confirm.

USEPA de-listed, or excluded K090 and K091 temporarily under the so-called Bevill amendment. Recently, a court ruled these wastes were not subject to this exclusion, and in a September 13, 1988, Federal Register (copy attached), the wastes were proposed for re-listing. The listings became effective March 13, 1989. As part of the requirements listed in the Federal Register, handlers of these wastes were required to notify USEPA of their activities by December 12, 1988. If treating, storing or disposing of these wastes, facilities must have submitted a Part A permit application to USEPA by March 13, 1989. If this date was missed, interim status would terminate (reference pages 36419, 35420).

On May 4, 1987, USEPA honored your request to close the USEPA identification number for your facility, terminating any interim status to that point. The number cancelled was OHD010467538. This office has no record of recent submittals of a timely notification or a Part A, and you indicated this has not been done.

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At the present time, K091 dust is piled atop lime slags on top of the hill above your facility. As you pointed out, the contrast between the white slag and dark grey dusts is apparent. Dust has also washed off the piles, down the hill, and has migrated into the slags. Satra Concentrates is in the process of reclaiming chromium-bearing slags, by excavating and separating them with a jig, similar to that used in sand-and-gravel operations. You stated that, although your personnel attempt to segregate the baghouse dust in the process of excavating the slag, baghouse dust is also excavated, put through the separating process, discharged by the process, and disposed with the process's wastes on-site.

K091 is presently listed as a hazardous waste. Ohio Administrative Code Section 3745-51-03 defines a hazardous waste as any waste listed in the rules, or a mixture of a solid waste with a listed waste ("mixture rule"). Therefore, Satra Concentrates is presently generating hazardous wastes from this process, and storing or disposing of these hazardous wastes without the required notification, interim status, and permit. Such activity must cease immediately.

In a September 9, 1986, notice of violation, this office cited your facility for open dumping of solid wastes in relation to the water concentrate sludge and the baghouse dust, and required these wastes to be removed to a licensed landfill facility for proper disposal. Satralloy had no solid waste nor hazardous waste permit from Ohio EPA to dispose of the K091 baghouse dusts on-site, even though such permits were required. Ohio Administrative Code Section 3745-50-10(A)(80) defines a 'pile' as any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage. Part (94) of that rule defines 'storage' as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, stored, or disposed of elsewhere. It is our determination, then, due to Satra's excavation of the existing piles, and Ohio EPA's notice to dispose of the dusts elsewhere, these piles are temporary accumulations and that Satra is presently operating hazardous waste storage piles of K091 from the baghouses, and from present processing operations.

On this basis, the following violations of hazardous waste rules were noted at the time of inspection:

1. Ohio Administrative Code 3745-52-12 (40 CFR 262.12), Generator Identification Numbers - The facility is required by this rule to notify USEPA of RCRA activity, and obtain an identification number. You indicated this has not been done. A notification booklet was provided to you during the inspection. You must submit a completed form to USEPA, per the instructions; please send a copy of the completed, signed form to this office within thirty days.
2. Ohio Administrative Code 3745-50-40 (40 CFR 270.10), Submittal of Hazardous Waste Permit Applications, and Ohio Administrative Code 3745-50-41 (40 CFR 270.10), Application for a Permit - Rule 50-40(C)(1) allows your facility to have a Part A permit by rules, provided several criteria are met. One criteria was, in (D)(2), to submit a permit application within thirty days after the effective date of the rule change which brought you into the system. The rule was effective March 13, 1989. As previously stated, page 35420 of the Federal Register required you to submit the Part A to USEPA by March 13, 1989; Ohio's rule required the submittal by April 13, 1989. Rule 50-41 requires anyone required to have a permit to submit an application which is signed and complete. This had not been done at the time of inspection. Please submit a Part A permit application, using the attached form, to the Ohio EPA Director and USEPA Region V Administrator, and send a copy of the submittal to this office within thirty days.
3. Ohio Administrative Code Section 3745-52-11 (40 CFR 262.11), Evaluation of Wastes - This rule requires generators of wastes to evaluate their wastes to determine if they are hazardous wastes. At the time of inspection, the following wastes were not evaluated: waste oils and lubricating fluids and sludges, possibly including anti-freeze, stored in drums and spilled on the ground; fines and rejects from the slag re-processing jig; high-carbon slags (being stockpiled for sale as road-bed aggregate). 'Mud' from the water concentrate process is generated in one surface impoundment, and transported to another impoundment for de-watering.

Please conduct a waste evaluation of these, and any other wastes generated by your operations, and submit the results of the evaluations to this office within 60 days. Please also include the estimated or actual quantities of each waste stream generated, treated, stored, or disposed.

4. Ohio Administrative Code Section 3745-52-34 and 3745-65-16 (40 CFR 262.34 and 265.16), Personnel Training - Standards for generators and treatment, storage, and disposal facilities require personnel engaged in hazardous waste work to be properly trained, in accordance with criteria specified in the rule. (See the inspection form and rule for details.) No personnel training, records of training, nor annual refresher courses were evident at the time of inspection. Please provide this office an outline of a personnel training program, designed to comply with this rule, and proper documentation that personnel have been trained, within thirty days.
5. Ohio Administrative Code Section 3745-65-13 (40 CFR 265.13), General Waste Analysis - The rule requires the owner/operator to develop a written waste analysis plan, which describes the procedures to be implemented in order to obtain all the information necessary to properly treat, store, or dispose of the hazardous waste managed at the facility. At the time of inspection, no such plan was evident. Please submit to this office, within thirty days, a written plan designed to comply with this rule.
6. Ohio Administrative Code 3745-65-14 (40 CFR 265.14), Security - The owner or operator of a facility shall prevent unknowing entry of persons onto the active portions of the facility by providing 24-hour surveillance, or an artificial or natural barrier around the facility. In addition, a sign with the words "Danger - Unauthorized Personnel Keep Out" must be posted at each entrance. At the time of inspection, it was evident that motor bikes or all-terrain vehicles were riding through the piles of hazardous waste, routes of entry were evident along the road in front of the facility. Please provide restrictions to unauthorized access immediately and provide documentation that the requirements of this rule are followed to this office within thirty days.

7. Ohio Administrative Code 3745-65-15 (40 CFR 265.14), Generator Inspection Requirements - The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are necessary to preventing, detecting, or responding to environmental or human health hazards.

No inspection schedule has been developed and followed at Satra.

Please submit to this office an inspection schedule, per the requirements of this rule, and completed inspection log forms to document initiation of such inspections, within 30 days.

8. Ohio Administrative Code Section 3745-65-31 (40 CFR 265.31), Maintenance and Operation of Facility - The facility must be designed and operated to minimize the possibility of non-planned releases of hazardous waste. At the time of inspection, it was evident K090 and K091 baghouse dusts were washing off the piles and down the hill. No controls were evident to control the airborne release of the dust from the piles, or from the reclaiming operation. Please provide a proposal to Ohio EPA within thirty days to address and correct these problems.
9. Ohio Administrative Code Section 3745-65-37 (40 CFR 265.37), Arrangements/Agreements with Local Authorities - This rule requires the facility to make appropriate arrangements with local emergency service authorities to make them familiar with the hazards involved with site operations. You indicated this had not been done. I would recommend, at a minimum, Ohio EPA's emergency response group and the local hospital be contacted. Please provide documentation this has been done to this office, within thirty days.

10. Ohio Administrative Code 3745-65-51 to -56 (40 CFR 265.51), Content of Contingency Plan - The contingency plan shall describe the actions facility personnel shall take in response to fires, explosions, or unplanned sudden or non-sudden release of hazardous constituents into air, soil, or surface water at the facility. In addition, an updated list of emergency coordinators must be included in the plan.

The facility has no contingency plan. Please submit to this office, within 30 days, a contingency plan which addresses actions to be taken in response to a release of K091 hazardous waste, and which includes an updated list of emergency coordinators and meets the requirements of these rules.

11. Ohio Administrative Code 3745-65-73 (40 CFR 265.73), Operating Record - The owner or operator shall maintain a written operating record including, but not limited to, the following information:
- a. Description and quantity of each hazardous waste, and the method(s) and date(s) of treatment, storage, or disposal;
 - b. The location of each hazardous waste within the facility;
 - c. Results of waste analyses;
 - d. Summary reports of incidents requiring implementation of the contingency plan;
 - e. Records and results of inspections;
 - f. Monitoring, testing, and analytical data, as required in Chapters 3745-90 and 3745-67, related to ground water monitoring and waste pile treatment, storage, or disposal; and
 - g. Closure and post-closure cost estimates.

Satra does not maintain operating records.

Satra must maintain all information required of the operating record. Please submit to this office copies of this information, as applicable to the facility, within 30 days.

12. Ohio Administrative Code 3745-66-12 (40 CFR 265.112), Closure Plan; Amendment of Plan, The owner or operator of a hazardous waste management facility shall have a written closure plan describing the closure of each hazardous waste management unit at the facility, in accordance with Ohio Administrative Code 3745-66-11.

The facility has no closure plan to address closure of the waste piles.

Please submit to this office a closure plan for the waste piles in accordance with 3745-66-11 through -26, within 30 days.

Ohio Administrative Code 3745-67 (40 CFR 256 Subpart L), Treatment or Storage in Waste Piles:

13. Ohio Administrative Code 3745-67-51 (40 CFR 264.251), Protection from Wind - This rule requires waste stored in piles which is subject to dispersal by wind to be protected from such dispersal. During the inspection, it was noted that the baghouse dust is easily dispersed, and that no protection is afforded to prevent blowing baghouse dust. This situation must be corrected immediately. Please submit documentation to this office that corrective measures have been taken, such as tarping, covering, or removing, as soon as such measures are implemented.
14. Ohio Administrative Code Section 3745-67-53 (40 CFR 253), Containment - This rule requires specific actions to be taken to control run-on and run-off of hazardous waste piles, if the leachate from such piles is a hazardous waste.

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Under terms of the "mixture rule" discussed previously in this letter, leachate from listed wastes remains listed waste. From the inspection, it was observed the piles were not on impermeable bases, run-on and run-off control systems had not been constructed, leachate is not managed as hazardous waste, and the generation of leachate is not prevented nor controlled. This situation must be corrected immediately, as hazardous waste is presently entering the environment in an uncontrolled manner. Please submit documentation to this office that corrective measures have been taken, as soon as such measures are implemented.


15. Ohio Administrative Code 3745-65-91 through -94 (40 CFR 265.94), Ground Water Monitoring Requirements - The owner or operator of a hazardous waste land disposal facility, such as a waste pile, surface impoundment, or landfill, is required to implement a ground water monitoring program capable of detecting releases to and determining the impact on the uppermost aquifer under the facility. Satra has not implemented a ground water monitoring program or installed a monitoring system which meets the requirements of the Administrative Code Sections cited above. Satra must develop a ground water monitoring program which complies with the requirements of Ohio Administrative Code Sections 3745-65-91 through -94, and follow present guidance in developing and operating such a system. Please submit a monitoring plan to this office within 60 days, for review and comment.

Please submit the requested information within the time frames specified. If these time frames cannot be met, please provide me with a proposed alternate timetable, for review. A copy of the completed inspection form is attached, please call if there are any questions. Due to the serious nature of the violations cited, our enforcement committee will be contacted to determine the best course of action. It is my recommendation that, if you are not familiar with the detailed requirements of the hazardous waste regulations, you enlist the services of a qualified consultant to aid you in preparing plans and reports, and maintaining compliance.

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Our office will be available to lend technical assistance, as well.

Sincerely,


Michael Moschell
Inspector
Division of Solid and Hazardous Waste Management

MM:dm

cc: Dave Sholtis, DSHWM, CO
cc: John Rochotte, OCA, SEDO/letter only
cc: NOVAA/letter only
cc: Ryszard Lecznar, DWPC, SEDO/letter only
cc: Sue Buchanan, DSHWM, CO/w/letter only